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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,812	01/26/2004	Martha Karen Boyd	1033-MS1013	6878

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TOLER SCHAFFER, LLP  
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SUITE 265  
AUSTIN, TX 78746

EXAMINER
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LY, NGHI H

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/764,812

Applicant(s)

BOYD, MARTHA KAREN

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12, 14-18 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-18 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10, 12, 14-18 and 21-25 have been considered but are moot in view of the new ground(s) of rejection.

On page 14 of applicant's remarks, applicant argues that Dutta does not teach claims 1 and 16.

In response, Awada, of Chen and Okazaki does indeed teach claims 1 and 16, not Dutta.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 7, 10, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Chen (US 6,968,216) and further in view of Okazaki et al (US 7,050,573).

Regarding claims 1, 12 and 16, Awada teaches a mobile telephone (see Column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer

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control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1 to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67) and a control to override the ringer control schedule (Abstract, see "*update the calendar*" and "*converting the calendar information*", also column 2, lines 46-67 and column 5, lines 43-59, see "*update profile and calendar information*").

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Chen teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract).

The combination of Awada and Chen does not specifically disclose a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule.

Okazaki teaches a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule (see column 9, lines 12-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Okazaki into the system of Awada and Chen in order to provide ring tones of good tone quality (see Okazaki, Abstract).

Regarding claim 2, Awada as modified by Okazaki teaches a mobile telephone (see Awada, Column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone").

Awada as modified by Okazaki does not specifically disclose the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change.

Chen teaches the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada and Okazaki in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract).

Regarding claim 3, Awada as modified by Okazaki teaches a mobile telephone (see Awada, Column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone"). Awada as modified by Okazaki does not specifically disclose the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Chen teaches the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada and Okazaki in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract).

Regarding claim 4, Awada as modified by Okazaki teaches a mobile telephone (see Awada, column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone"). Awada as modified by Okazaki does not specifically disclose the ringer control schedule for a second day of the week differs from that for the first day of the week.

Chen teaches the ringer control schedule for a second day of the week differs from that for the first day of the week (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada and Okazaki in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract).

Regarding claim 6, Awada further teaches a display device (in order to set a schedule and calendar, the teaching of Awada indeed teaches Applicant's "a display device"), and a user input device; wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule and the user input device to create at least part of the ringer control schedule (see Awada's column 1, line 1 to column 2 line 44).

Regarding claim 7, Awada further teaches an interface to an external device; wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device (column 2, lines 46-67, see "remotely activate a profile of a telephone").

Regarding claim 10, Awada further teaches the interface (see Awada, fig.1, interface 210) comprises a data port (see column 6, lines 25-27).

Regarding claim 14, Awada as modified by Okazaki teaches a mobile telephone (see Awada, Column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone"). Awada as modified by Okazaki does not teach the ringer control schedule for a second day of the week differs than that for the first day of the week.

Chen teaches the ringer control schedule for a second day of the week differs than that for the first day of the week (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada and Okazaki in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract).

5. Claims 5, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of in view of Chen (US 6,968,216) and further in view of Okazaki et al (US 7,050,573) and Miura et al (US 6,763,105).

Regarding claims 5, 15 and 21, the combination of Awada, Chen and Okazaki teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see Awada, column 4, lines 2-27 and column 7, line 59 to column 8, line 8). The combination of Awada, Chen and Okazaki does not specifically disclose changing a ring tone, and changing a ring volume.

Miura teaches changing a ring tone, and changing a ring volume (see Abstract and see column 1, line 65 to column 2, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Miura into the system of Awada, Chen and Okazaki in order to control the ringer-tone-volume.



6. Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of in view of Chen (US 6,968,216) and further in view of Okazaki et al (US 7,050,573) and Dutta (US 6,760,581).

Regarding claims 8 and 17, the combination of Awada, Chen and Okazaki teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see Awada, column 4, lines 2-27 and column 7, line 59 to column 8, line 8). The combination of Awada, Chen and Okazaki does not specifically disclose the interface comprises a short-range wireless interface.

Dutta teaches the interface comprises a short-range wireless interface (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada, Chen and Okazaki in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claims 9 and 18, the combination of Awada, Chen and Okazaki teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see Awada, column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). The combination of Awada, Chen and Okazaki does not specifically disclose the short-range wireless interface comprises a BLUETOOTH interface.

Dutta teaches the short-range wireless interface comprises a BLUETOOTH interface (column 5, lines 50-67, see "Bluetooth").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada, Chen and Okazaki in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

7. Claims 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Chen (US 6,968,216) and further in view of Dutta (US 6,760,581).

Regarding claim 22, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide an audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8 and column 1, line 1 to column 2 line 44), and wherein the ringer schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring"), interface uses the interface to receive at least part of the ringer control schedule from the external device (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the

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user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule...").

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Chen teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Awada in order to improve techniques for controlling notification characteristic for wireless communication device (see Chen, Abstract)

The combination of Awada and Chen does not specifically disclose a short-range wireless interface to an external device.

Dutta teaches a short-range wireless interface to an external device (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada and Chen in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 24, the combination of Awada, Chen and Dutta further teaches the ringer controller is adapted to match a time and day of an incoming call to a ringer

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control schedule on a call-by-call basis (see Chen, column 5, lines 35 to column 6, line 12, column 8, lines 4-10 and see fig.4A to fig.5D).

Regarding claim 25, the combination of Awada, Chen and Dutta further teaches the interface comprises a BLUETOOTH interface (see Dutta, column 5, lines 50-67, see "Bluetooth").

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of in view of Chen (US 6,968,216) and further in view of Dutta (US 6,760,581) and Okazaki et al (US 7,050,573).

Regarding claim 23, the combination of Awada, Chen and Dutta teaches claim 22. The combination of Awada, Chen and Dutta does not specifically disclose a controller to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule.

Okazaki teaches a controller to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule (see column 9, lines 12-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Okazaki into the system of Awada, Chen, Dutta and Chen in order to provide ring tones of good tone quality (see Okazaki, Abstract).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

